

Water Problems

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A DDES Customer Information Bulletin



King County Department of Development and Environmental Services
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<http://www.metrokc.gov/ddes/>

Frequently Asked Questions

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

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Flooding, drainage, and associated water problem questions

This bulletin is intended to help you find the agency, office, or person who may have the answers you need to common drainage problems, questions, and situations. In unincorporated King County, several agencies at different levels of government deal with drainage problems relating to flooding or water quality. See the directory on pages 5 to 7. When calling an agency, have the correct address or an approximate location for the problem, and identify whether or not the site is outside the limits of any city. It is helpful if you also have a parcel number; section, township, and range; legal description; development name; or location on a topographic map or stream map.

Whose fault is it, and what can I do?

In most cases, government regulations do not establish responsibilities for landowners to convey and control surface water runoff. Legal principles relating to surface water problems have largely been judicially determined and form part of the common law of Washington. There are, however, specific drainage requirements for those who apply for development permits. Property owners may have legal responsibility to accept normal or historic surface runoff and convey it across their property to the "natural" point of discharge. It is beyond the scope of this bulletin to explain and illustrate the often-complex issues of responsibility, causes, and liability for drainage problems and damages. However, the following scenarios of typical drainage problems may include one similar to yours.

Frequently Asked Questions

There is a big supermarket being built on top of the hill, and now water is backing up in my yard - who do I call?

Commercial construction in unincorporated King County is regulated by development standards under a Commercial Building Permit. A County inspector is assigned a number of such projects. You should report the drainage problem to the contractor at the job site, and you should telephone an inspector at the Land Use Inspection Section (LUIS) of the Department of Development and Environmental Services (DDES).

Note: For road drainage emergencies call 206-296-8100, 24 hours a day, or toll-free at 1-800-KC-Roads. If the problem is related to a development, DDES inspectors in the LUIS may be contacted if an emergency response is necessary.

The culvert in the road in front of my house is discharging water into my yard and causing damage—who do I call?

The King County Department of Transportation (DOT) Road Services maintains County roads, as well as ditching and culverts within the County-maintained road right-of-way. You may call their field operations section at 206-296-8100, or 1-800-KC-ROADS, 24 hours a day. A permanent solution may require a Right-of-Way Use Permit from DDES. Call 206-296-6640 for information.

If the drainage problem is not related to a County road, call King County DNR Water and Land Resources Division (WLRD) Drainage Investigation Unit at 206-296-1900.

If the problem culvert is located in a road that is not County-maintained, King County Road Services will not be able to help, and you must seek other recourse.

My neighbor is clearing part of his property, and it's causing flooding on my land, OR my neighbor is installing a new pipe on his property and pointing it at my property—who do I call?

Talk to your neighbor first. Not every kind of activity on the land requires a permit or an agency review. Many activities are considered private, civil matters between property owners. Generally, clearing and/or grading complaints should be referred to DDES' Code Enforcement Section, 206-296-6680. For drainage complaints not related to roads, call WLRD's Drainage Investigation Unit at 206-296-1900. If there are notices (fluorescent, colored forms, or 4' x 4' signboards) on the property, the activity may be related to a proposed development. Call the number shown on the notice.

I would like to fill in the drainage ditch in front of my house—how can I do it?

First, check with the State of Washington Department of Fish and Wildlife (WDF&W) (425-775-1311) to be sure the ditch is not designated as a state water under its jurisdiction. If it is a state water under WDF&W's management, it will require a Hydraulic Project Approval.

If you are planning to put in a culvert and fill in part of the ditch for a single driveway connection within a County right of way, you do not need a Right-of-Way Use Permit from the County [K.C.C. 14.28.020 (A)]. The driveway and culvert must, however, be constructed according to County road standards. More than one driveway per parcel may require permission from the DDES' Land Use Services Division (206-296-6640). You can obtain a copy of the driveway standards from the technicians at the building permit center.

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If you are planning more than one driveway per parcel, or if you plan to fill in the entire ditch along a County road, you must apply for a Right-of-Way Use Permit from DDES. See Bulletin #31, *Right-of-Way Use Permits*, for more information.

I want to put pipe in the drainage easement in my yard and fill in the existing ditch—who should I call?

Again, check with WDF&W (425-775-1311) to be sure the ditch is not designated as a state water.

Ditches should be left open as drainage swales for biofiltration and water quality purposes. If you live in a subdivision, piping the ditch may not even be allowed. Check the plat and approved plans on file at the King County Road Services Map Counter, King Street Center Building, 206-296-6548, for any restrictions before beginning construction.

Any modifications to drainage easements should be coordinated through the Engineering Review Section of DDES at 206-296-6640. Work in County drainage easements requires a Special Use Permit. To review the requirements of this permit, call the Real Property Division at 206-296-7456. A Clearing/Grading Permit may be required to work within a private drainage easement. Call 206-296-6640.

Note: Because you may be assuming liability for this work, you should check for recorded lot restrictions and consult with a private professional engineer to ensure that problems will not be caused by the proposed modifications.

I want to develop my property, but I would like to find out about drainage requirements before I apply for a permit—who should I call?

Answers to questions of this nature are generally too complex to settle over the telephone. Study other customer information bulletins for information regarding the type of development you are considering, especially Bulletin #29, *Drainage Review*, to help you determine if such a review will be required. Drainage requirements will vary throughout King County due to soils, slopes, drainage features, and a history of problems, past and present.

You should consult a professional engineer and the *King County Surface Water Design Manual* for detailed drainage review requirements. If the development activity necessitates altering a stream or its buffer, contact WDF&W (425-775-1311) for Hydraulic Project Approval requirements. If this research does not answer your specific questions, call the appropriate number listed in Bulletin #29, *Drainage Review*.

Who should I call for information about work in a stream channel or rerouting a stream?

The State of Washington Department of Fish and Wildlife (WDF&W) (425-775-1311) is the responsible agency for the preservation of the natural habitat of both migratory and resident trout and salmon. This department's jurisdiction extends to the seasonal drainways flowing into these habitats. A person or agency planning to construct any form of hydraulic project or other project that will use, divert, obstruct, or change the natural flow or bed of any river or stream, or that will use any state waters or materials from the stream beds, must first obtain a permit from one of these agencies. A permit may also be required under the King County Master Shorelines Program (call 296-6640). In most cases, a Clearing/Grading Permit will be required, and sensitive area regulations will be involved (call 206-296-6759 for more information).

The Aquatic Resources Unit (206-296-6519) at DNR can also provide helpful advice.

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Note: The regulatory branch of the U.S. Army Corps of Engineers (206-764-3495) must be contacted if the project involves placement of fill in federal waters or adjacent wetlands.

I'm getting a lot of muddy water on my property, and I don't know exactly where it's coming from. Who can help?

If you cannot determine the source of the drainage problem affecting your property, call the WLRD Drainage Investigation Unit at 206-296-1900. They will log in and investigate your complaint, then forward it to the appropriate agency, or tell you who to call. Other contacts include the DDES Land Use Inspection Section, 206-296-6645, for incidents north of the Cedar River or 206-296-6642 for incidents south of the Cedar River, Metro's Water Quality Hotline (206-684-1231), and the Northwest office of the Washington State Department of Ecology (DOE) (360-649-7000).

Other common problems include the following:

- ◆ Problem: A neighbor is filling in a wetland or lake.
- ◆ Answer: This could be a grading, and/or shorelines, and/or sensitive areas violation. Call the DDES Code Enforcement Section at 206-296-6680 and the DNR Aquatic Resources Unit at 206-296-6519. This could also be a federal hydraulic or Clean Water Act (Section 404) violation; therefore, it would be prudent to call WDF&W (425-775-1311) or the U.S. Army Corps of Engineers (206-764-3495).

- ◆ Problem: I'm getting more water now that a development is going in upstream from my property.
- ◆ Answer: Permits applied for from 1975 to 1989 generally require developers to control surface water to comply with predevelopment release rates for ten-year storms. Permits applied for beginning in 1990 require more stringent controls for 2- and 10-year storms. However, the rate of flow for storms greater than a 10-year storm is not regulated to comply with predevelopment release rates. Even though the release rate is controlled to minimize flooding and other downstream impacts, the amount of water will increase. If you believe the water is more than should be allowed, and it is causing property damage or creating a hazard, determine the type of development it is coming from, and call the appropriate number from the directory provided in this bulletin.

- ◆ Problem: A neighbor is filling in a floodplain along a river, and water may back up onto my property.
- ◆ Answer: Earthwork within the floodplains of unincorporated King County is subject to clearing and grading and sensitive area provisions, the Zoning Code, and the Shorelines Management Program. Call DDES' Site Development Services Section (206-296-6640) to find out whether a permit has been issued for the activity. They can tell you whether you need to contact any of the other agencies listed on pages 5 to 7.

- ◆ Problem: I would like to do something to protect my waterfront land from shoreline erosion.
- ◆ Answer: Shoreline stabilization work usually requires a Clearing and Grading Permit, as well as a Building Permit for a retaining wall. Call DDES' Site Development Services Section at 206-296-6759 for information. The application is also reviewed by sensitive areas staff, and it may be subject to the Shorelines Management Program, depending on the water body and its location. Approval of WDF&W and of the U.S. Army Corps of Engineers may also be required.

- ◆ Problem: A drainage ditch in an easement along my property line is overflowing and causing flooding.
- ◆ Answer: Contact the WLRD Drainage Investigation Unit at 206-296-1900.

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- ◆ Problem: Water is flowing off the County street, eroding my driveway, and flooding my property.
- ◆ Answer: Not all County roads were developed with ditches or drainage systems. Even with them, street runoff can overflow. Low properties often have to deal with some road and street flow. If a plugged culvert is contributing to the problem, call the DOT Road Services at 206-296-8100 or 1-800-KC-Roads. Contact the WLRD Drainage Investigation Unit at 206-296-1900 if you are uncertain of the source of the water or who is responsible for managing it.

Directory of agencies that deal with water problem questions

Situation:	Agency:	Contact/Phone:
Flooding and disaster emergency	King County DOT Road Services	Office of Emergency Services North of I-90: 206-296-3830 South of I-90: 206-296-3858 King County Flood Warning Center 206-296-4535, 1-800-768-7932 (toll-free) 1-800-KC-ROADS (toll-free 24 hours)
	State of Washington Department of Fish and Wildlife (WDF&W)	Mill Creek 425-775-1311
Drainage from County-maintained roads and any flooding emergency	King County Road Services	Maintenance Unit 206-296-8100 or 1-800-KC-ROADS (toll-free 24 hours)
Drainage from County-maintained facilities other than roadways	King County DNR Water and Land Resources Division (WLRD)	Drainage Investigation Unit 206-296-1900
Drainage from an activity involving a commercial development or subdivision under construction (new development)	King County Department of Development and Environmental Services (DDES)	Land Use Inspection Section (LUIS) 206-296-6642
Drainage from a single residential building under construction	King County Department of Development and Environmental Services (DDES)	Building Services Division (Residential Inspections) 206-296-6630
Drainage from an activity requiring a development permit not applied for	King County Department of Development and Environmental Services (DDES)	Code Enforcement 206-296-6680

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Situation:	Agency:	Contact/Phone:
Drainage from an existing developed site (after final inspection of development)	King County DNR Water and Land Resources Division (WLRD)	Drainage Investigation Unit 206-296-1900
Utilities development: underground trenching for sewer, cable, etc.		
Within County right-of-way	King County DOT Road Services Division	Utility Inspection Unit 206-296-8122
Outside County right-of-way	King County Department of Development and Environmental Services (DDES)	Site Development Services Section 206-296-6640
Streams, lakes: projects in or near a water body	King County Department of Development and Environmental Services (DDES) U.S. Army Corps of Engineers WDF&W	Shorelines Program 206-296-6640 Sensitive Areas Unit 206- 296-6759 Regulatory Branch 206-764-3495 Mill Creek 425-775-1311
Streams, lakes: fish and wildlife habitat	King County DNR Water and Land Resources Division (WLRD) WDF&W U.S. Army Corps of Engineers	Aquatic Resources Unit 206-296-6519 Mill Creek 425-775-1311 Regulatory Branch 206-764-3495
Navigation	U.S. Army Corps of Engineers	Navigation and Plant Branch 206-764-3400
Wetlands	King County Department of Development and Environmental Services (DDES) Washington State Department of Ecology (DOE) U.S. Army Corps of Engineers	Wetlands 206-296-6600 Wetlands 360-649-7244 Regulatory Branch 206-764-3495

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Situation:	Agency:	Contact/Phone:
Water quality: bodies of water: water pollution, sewage operations	METRO Ecology King County DNR Water and Land Resources Division (WLRD)	Water Pollution Control 206-684-1280 Water Quality Hotline 206-664-1231 Water Quality Program 360-649-7000 Water Quality Program 206-296-6519
Water quality: surface and groundwater pollution, well construction	Seattle-King County Department of Public Health Ecology, Northwest Regional Office	Environmental Health Division 206-296-4722 Water Quality Program 360-649-7000 Water Well Inspector 360-649-7031
Flooding aftermath and cleanup: buildings, wells	Seattle-King County Department of Public Health	Environmental Health Division Kent Office 206-296-4666 East Office 206-296-4932
Building permits: repairs, demolition, relocation	King County Department of Development and Environmental Services (DDES)	Building Services Division 206-296-6600
On-site sewage disposal systems: septic tanks and drainfields	Seattle-King County Department of Public Health	Environmental Health Division 206-296-4722

- ◆ Problem: A drainage pond (retention/detention facility) is full, and it doesn't drain. It's a safety hazard, especially for children, OR the pond stands empty and ugly all summer.
- ◆ Answer: Many ponds have been constructed to control surface water runoff. King County maintains most residential retention/detention ponds. Property owners must maintain retention/detention ponds for apartments and commercial developments. Standing water and fluctuating water depths are normal when the retention/detention facility is functioning properly. An empty pond, especially after a heavy rainstorm, may not function properly. Call WLRD Facilities Maintenance at 206-296-8170.

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Other bulletins that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 10	Residential Building on or Near Waterfront: Additional Requirements
Bulletin 16	Shoreline Erosion Control
Bulletin 21	Sensitive Areas Review
Bulletin 28	Clearing and Grading Permits
Bulletin 29	Drainage Review
Bulletin 31	Right-Of-Way Use Permits



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6693 or TDD 206-296-7217.